

**THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

IRON MOUNTAIN INCORPORATED,)	
et al.)	
)	
Plaintiffs and,)	
Counter-Defendants,)	
)	Civil Action No. 05-10890-RCL
vs.)	
)	
THOMAS CARR,)	
)	
Defendant and)	
Counter-Plaintiff.)	
)	
IRON MOUNTAIN INFORMATION)	
MANAGEMENT, INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 05-10999-RCL
vs.)	
)	
SYSTRANS FREIGHT SYSTEMS, INC.,)	
)	
Defendant.)	
)	

**DEFENDANT AND COUNTER-PLAINTIFF CARR AND
DEFENDANT SYSTRANS' AMENDED PRETRIAL DISCLOSURES**

Defendant/Counterclaim-Plaintiff Thomas Carr ("Carr") and Defendant Systrans Freight Systems, Inc. ("Systrans"), by and through undersigned counsel and pursuant to Rule 26(e)(1)(A) of the Federal Rules of Civil Procedure, hereby provides the following pretrial disclosures. These disclosures are made without waiving any rights and/or objections as to competency, relevancy, materiality, privilege, confidentiality and/or admissibility as evidence in this or any related proceeding.

I. Rule 26(a)(3)(A) Disclosures

A. Witnesses Expected To Be Presented

Carr identifies the following names, and if not previously provided in the Initial Disclosures or otherwise, the address and phone number of each witness, whom Carr expects to present at trial:

1. James Neebling
2. Arthur Peslak
3. Judith Carr
4. Paul Schwartz
5. Thomas Carr
6. C. Richard Reese
7. John F. Kenny, Jr.
8. Garry Watzke
9. Larry L. Varn
10. Charles G. Moore
11. John Hayden
Last known address:
Iron Mountain, Inc.
745 Atlantic Ave
Boston, MA 02111
12. Vincent Ryan
Schooner Capital, LLC
45 Atlantic Avenue, 11th Floor
Boston, MA 02111
(617) 357-9031
13. Deb Matthews
Controller of Accounting
Sullivan & Worcester LLP
One Post Office Square
Boston, MA 02109
(617) 338-2994

14. Michael Chazen, Esq.
4400 Route 9 South, Suit 1000
Freehold, NJ 07728
(732) 303-0808

Carr reserves the right to call as a witness any person designated by the Plaintiffs in their respective pretrial disclosures.

B. Witnesses To Be Presented If The Need Arises

Carr identifies the following names, and if not previously provided in the Initial Disclosures or otherwise, the address and phone number of each witness, whom Carr may call if the need arises:

1. Vincent Brana
2. Tammy Phillips-Kahn
3. Arturo Soto
4. Samuel Miller, Esq.
5. Bob Miller
6. Ronald Lieberman
PJR Construction
200 Daniels Way
Freehold, NJ 07728
(732) 308-0335
7. Jeffrey Stern
21 Century Group
257 New Brunswick Ave.
Perth Amboy, NJ 08861
(732) 826-0904

II. Rule 26(a)(3)(B) Disclosure

Carr identifies the following designation of those witnesses whose testimony is expected to be presented by means of a deposition:

1. Thomas Carr

III. Rule 26(a)(3)(C) Disclosure

A. Documents Expected To Be Presented

Carr intends to present the following documents or other exhibits, including summaries of other evidence, at trial:

1. Correspondence between Arthur Peslak and Richard Reese, including but not limited to, the following:
 - letter from Peslak to Reese dated February 13, 2004
2. Billing records of Arthur M. Peslak on the Carr matters addressing Pierce and Iron Mountain

B. Documents To Be Presented If The Need Arises

1. Declaration of Arthur M. Peslak (9/26/05)
2. Email from Arthur Peslak to Larry Varn regarding the outstanding bill (2/12/04)
3. Letter from Arthur Peslak to Vincent Ryan regarding legal fees (4/9/02)
4. Email from Larry Varn to Arthur Peslak and Garry Watzke regarding a proposed fee agreement (4/9/02)
5. Email from Larry Varn to Arthur Peslak regarding wire transfer (4/12/02)
6. Email from Larry Varn to Arthur Peslak regarding Haslon deposition (3/4/03)
7. Email from Larry Varn to Arthur Peslak and Jim Neebling regarding dinner on Wednesday night (5/19/03)
8. Email from Larry Varn to Doreen Davis, Charles Moore, Arthur Peslak, Jim Neebling, and Beth Jacobson regarding hotel rooms (7/25/03)
9. Emails from Larry Varn to Arthur Peslak and Jim Neebling regarding travel itinerary (7/25/03)
10. Email from Paul Schwartz to Ilya Shapiro regarding loan (10/6/06)
11. Declaration of Michael Chazen
12. Email from Larry Varn to Arthur Peslak and Jim Neebling regarding Thomas Carr (2/12/04)

13. Email from Garry Watzke to Arthur Peslak regarding 3/8/04 invoice (3/15/04)
14. Fax from Arthur Peslak to Garry Watzke attaching signed W-9 (3/26/04)
15. Fax from Garry Watzke to Arthur Peslak attaching unsigned W-9 and invoice (3/26/04)
16. Email from Larry Varn to Arthur Peslak and William Matlack regarding info for Price Waterhouse Coopers (4/11/02)
17. Email from Larry Varn to Arthur Peslak regarding Logisteq (4/11/02)
18. Memo from Larry Varn to Arthur Peslak regarding Carr's microcassettes (4/23/02)
19. Email from Larry Varn to Arthur Peslak and Garry Watzke regarding Logisteq litigation (5/29/02)
20. Email from James Neebling to Bob Miller dated May 5, 2005 regarding the Systrans Program
21. Chart depicting meetings between Iron Mountain and Thomas Carr
22. Affidavit of James Neebling dated July 9, 2007
23. Declaration of James Neebling dated July 15, 2005
24. Documents related to legal actions involving Iron Mountain, IMIM and Peter Pierce
25. Documents related to legal actions involving Carr and Peter Pierce, including but not limited to the following:
 - Carr's complaint against Pierce, drafted by Iron Mountain counsel
26. Tape recordings or summaries of tape records made by Carr

Dated August 30, 2008.

Respectfully submitted,

/s/ Kristen M.J. Johnson
Read K. McCaffrey (*pro hac vice*)
Christopher Hellmich (*pro hac vice*)
Kristen M.J. Johnson (*pro hac vice*)
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037

Telephone: (202) 457-6000
rmccaffrey@pattonboggs.com

Counsel for Defendant and
Counter-Plaintiff Carr and Defendant
Systrans

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 30, 2008.

/s/ Kristen M.J. Johnson